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June 26, 2024

VIA ECF

The Honorable Nelson S. Roman
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

USDC SDNY
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Re: Boyuhao Wang, et al. v. Laview Eagle Eye Technology Inc.
Case No. 7:24-cv-01822

Dear Judge Roman,

This firm is local counsel to Defendant Laview Eagle Eye Technology Inc. (“Laview”) I write to respectfully seek clarification with respect to the Court’s intention regarding the current case status, in light of Plaintiff’s attempt to file an Amended Complaint and our pending Motion to Dismiss.

We previously timely served our Motion to Dismiss pursuant to the Court’s instruction. We overnighted the hard copies of our motion to the Court yesterday. Despite our pending Motion to Dismiss, Plaintiff filed an Amended Complaint on May 31, 2024 (Dkt. 17), then filed a Motion to Accept Amended Complaint on June 3, 2024. (Dkt. 19) Plaintiff’s Motion to Accept Amended Complaint is still pending, and thus the Amended Complaint should not be considered filed. However, Plaintiff’s counsel has confusingly requested for issuance of summons multiple times. The Court issued deficiency notices with respect to Plaintiff’s request, but the reason for the notices is not based on the unclear filing status of the Amended Complaint.

In light of the above, Defendant Laview respectfully requests the Court to clarify the filing status of the Amended Complaint, and the status of the pending Motion to Dismiss. The parties need instruction from the Court as to whether they should continue to brief the pending Motion to Dismiss. If the Court approves the Amended Complaint, and if the Court deem the pending Motion to Dismiss moot, Defendant Laview respectfully request to have thirty (30) days to answer, or otherwise move, with respect to the Amended Complaint.

MEMO ENDORSED



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Respectfully submitted,

Heng Wang, Esq.
Counsel for Defendant

cc: All counsel of record, via ECF

The Court GRANTS Plaintiffs' Motion to Accept the Amended Complaint (ECF No. 19) and deems the Amended Complaint (ECF No. 17) the operative complaint.

The Court additionally GRANTS Defendant leave to file a motion to dismiss the Amended Complaint in accordance with the following briefing schedule: (1) Defendant's moving papers are to be served (not filed) on July 31, 2024; (2) Plaintiffs' opposition papers are to be served (not filed) on August 30, 2024; and (3) Defendant's reply papers are to be served on September 16, 2024. All motion papers are to be filed by the parties on the reply date, September 16, 2024.

The parties are directed to provide Chambers with two physical courtesy copies of their motion papers on the same date they are served on opposing counsel. The parties are further directed to provide the Court with an electronic courtesy copy of the motion papers as they are served per this Court's local emergency civil rules. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 19.

Dated: July 1, 2024
White Plains, NY

SO ORDERED:

NELSON S. ROMÁN
United States District Judge